

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNIVERSAL TRADING & INVESTMENT
COMPANY, a Massachusetts corporation

Plaintiff,

v.

PETRO MIKOLAYEVICH KIRITCHENKO,
an individual, et al.,

Defendants.

No. C-99-3073 MMC

**ORDER TO SHOW CAUSE; DEFERRING
JUDGMENT ON AMERICAN
CONTRACTORS INDEMNITY
COMPANY'S MOTION FOR ENTRY OF
JUDGEMENT; DEFERRING JUDGMENT
ON UTI'S MOTIONS; VACATING
HEARING**

Before the Court is American Contractors Indemnity Company's ("American") motion for entry of judgment, filed May 4, 2011, by which American seeks from Universal Trading & Investment Company ("UTI") reimbursement of monies American paid on bonds it posted to secure pre-judgment attachments on property owned by defendants, which attachments subsequently were shown to be wrongful. (See Order Granting Defs.' Mot. for Order Permitting Recovery on Attachment Bonds, filed October 13, 2010.)


In support of its motion, American cites California Civil Code section 882(b) and relies on indemnity agreements between American and UTI entered in consideration for American's issuance of the bonds. (See Rosas Decl. ¶ 5.) American, however, is not a party to the above-titled action, and the relief it seeks is predicated on state law and contractual arrangements collateral to the issues presented in the above-titled action.

1 Accordingly, American is hereby ORDERED TO SHOW CAUSE in writing, and no
2 later than August 12, 2011, why its motion for entry of judgment should not be dismissed
3 for lack of subject matter jurisdiction.

4 In light of the above, hearing scheduled for August 5, 2011 is hereby VACATED.

5 **IT IS SO ORDERED.**

6
7 Dated: July 27, 2011


MAXINE M. CHESNEY
United States District Judge